

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7677

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARRON BUTTS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Arenda Wright Allen, District Judge. (2:01-cr-00155-AWA-1)

Submitted: December 11, 2012

Decided: December 20, 2012

Before GREGORY, DUNCAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charron Butts, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charron Butts appeals the district court's order denying relief on his 18 U.S.C. § 3582(c)(2) (2006) motion, in which Butts sought the benefit of Amendment 715 of the U.S. Sentencing Guidelines.* We affirm, but for a reason other than that of the district court. See Cochran v. Morris, 73 F.3d 1310, 1315 (4th Cir. 1996).

Butts pled guilty to possession with intent to distribute 182.39 grams of cocaine base and a related firearm offense. Amendment 715 applies solely when a drug offense involves cocaine base and one or more other controlled substances. Accordingly, because Butts' offense involved only cocaine base, Amendment 715 is inapplicable. Accordingly, the denial of Butts' § 3582(c)(2) motion was proper.

We therefore affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* The district court incorrectly stated that Butts sought relief under Amendment 750 of the Guidelines.